



July 22, 2025

VIA ECF

Honorable John P. Cronan
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *D.G. et al v. New York City Department of Education*
Case No.: 25-cv-002118-JPC

Dear Judge Cronan:

This office represents Plaintiffs D.G. et al in the above referenced matter, which seeks review of the Decision of a State Review Officer regarding the education of E.G., a Student with a Disability, following an administrative hearing. I respectfully request guidance from the Court as to how it would like to receive the administrative record developed below and also seek permission to file the administrative record with the Clerk of the Court under seal.

The New York State Education Department's Office of State Review is currently in possession of the administrative record in this matter. The Office of State Review maintains the administrative record in electronic format and will provide it to this office for filing with the Court. Upon the Court's request, the Office of State Review will also provide a certified hard copy of the record directly to Chambers. Please advise whether the Court would like to receive a certified hard copy.

I also respectfully request leave to file the administrative record under seal. While the Court is charged with reviewing the record on appeal, the Federal Rules of Civil Procedure exempt administrative records from redaction requirements. However, the administrative record in this matter contains significant confidential information regarding the educational and medical records of the student as well as the student's personally identifiable information. The Second Circuit in *Lugosch v. Pyramid Co.*, 435 F.3d 110 (2d Cir. 2006) reaffirmed the strong presumption of public access to judicial documents. Nevertheless, that presumption may be overcome by a party's

privacy interest. Courts routinely permit plaintiffs to proceed anonymously in cases arising under the Individuals with Disabilities Education Act (“IDEA”) when sensitive educational records are at issue and the defendant, typically a governmental entity, already possesses the identities of the student and parent, along with the full administrative record. In such cases, courts have found no resulting prejudice to the defendant. *J.C. v. McKnight*, Civil Action No. DKC 23-2019, 2023 U.S. Dist. LEXIS 150058 (D. Md. Aug. 24, 2023) *See also Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 190 (2d Cir. 2008). Here, the student’s privacy interests in their sensitive educational and medical information warrant sealing. Given the sensitive nature of the information contained in the administrative record, I request leave of Court to file the record under seal. A proposed order to this effect is attached hereto.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Michele Kule-Korgood

cc: Defendant’s counsel (via ECF)

Defendant is directed to file a response to the instant letter by August 4, 2025, stating whether Defendant has any objection to sealing of the administrative record.

SO ORDERED.
Date: July 30, 2025
New York, New York



JOHN P. CRONAN
United States District Judge